

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Judgment Creditor,

v.

FRANCIS HUGHES,

Judgment Debtor,

and

TD BANK, N.A.,

Third-Party Respondent.

21 CR 584 (PMH)

~~[PROPOSED]~~

TURNOVER ORDER

WHEREAS the Court entered judgment against FRANCIS HUGHES on July 18, 2023, and ordered him to pay a \$100 mandatory special assessment for one felony count of conviction pursuant to 18 U.S.C. § 3013, plus a \$3,000 assessment pursuant to the Amy, Vicky, and Andy Child Pornography Victim Assistance Act (“AVAA”), and a \$5,000 additional special assessment pursuant to the Justice for Victims of Trafficking Act (“JTVA”), for the total lump sum of \$8,100.00, all of which remains unpaid;

WHEREAS, pursuant to 18 U.S.C. § 3613, upon entry of judgment, a lien arose on all of Hughes’ property and rights to property notwithstanding any other federal law, and the United States may use any federal or state procedure to enforce the judgment;

WHEREAS, pursuant to Federal Rule of Civil Procedure 69(a)(1) and N.Y. CPLR § 5222, in August 2023, the United States issued and served a restraining notice on third-party respondent TD Bank, N.A. for substantial nonexempt property belonging or due to Hughes;

WHEREAS TD Bank answered that it holds funds exceeding the judgment debt in Hughes’ account number ending in 8571;

WHEREAS the United States served the judgment debtor, and Eileen Hughes, as his power of attorney and a potentially interested party, with the restraining notice, including the exclusive and limited exemptions available to criminal judgment debtors under 18 U.S.C. § 3613(a), and its motion for turnover order. *See* Certificate of Service (Dkt. 71);

WHEREAS more than 30 days have passed since the United States filed and served the motion for turnover order regarding the property withheld by TD Bank pursuant to the restraining notice, and no claim of exemption, objection, or response from Hughes or anyone on his behalf has been filed with the Court or received by the United States;


WHEREAS Hughes has a substantial nonexempt interest in the property held by TD Bank, to which the criminal judgment lien has attached, and therefore the property is subject to turnover;

IT IS HEREBY ORDERED that TD BANK, N.A. shall pay \$8,100.00 from FRANCIS HUGHES' account number ending in 8571 to the Clerk of Court in full satisfaction of his criminal judgment. *See* 18 U.S.C. § 3613; *United States v. National Bank of Commerce*, 472 U.S. 713, 725 (1985); *United States v. Kollintzas*, 501 F.3d 796, 803 (7th Cir. 2007) (government authorized to exercise debtor's right to withdraw funds from his bank accounts).

Payments should be made by cashier's check or certified funds to "Clerk of Court" with "No. 21 CR 584" written on the face of each payment and mailed to:

United States District Court
500 Pearl Street, Room 120
New York, New York 10007
Attn: Cashier

Dated: White Plains, New York
November 10, 2023



PHILIP M. HALPERN
UNITED STATES DISTRICT JUDGE